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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jeroom Frans Leurs

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BRIARCLIFF MANOR, NY 10510

EXAMINER

GUHARAY, KARABI

ART UNIT

PAPER NUMBER

2889

MAIL DATE

DELIVERY MODE

08/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/552,077	LEURS, JEROOM FRANS	
	Examiner	Art Unit	
	Karabi Guharay	2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment, filed on 5/27/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2889

Response to Amendment

Amendment, filed on 5/27/09 has been considered and entered.

Claims 1 & 4 are amended. Claims 11-13 are added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-7 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kudo et al. (JP2000-100558; see Machine translation).

Regarding claim 1, Kudo et al. disclose a two-sided light emitting device (Fig 8; paragraphs 69-70) comprising a first light emitting device (8021, 8031,8041) having a first light emitting surface, a second light emitting device (8022,8032,8042) having a second light emitting surface, a first substrate (8011) on which said first light emitting device is formed, said first substrate being light-transmissive for light emitted by the first light emitting device, a second substrate (8012) on which said second light emitting device is formed, said second substrate being light-transmissive for light emitted by the second light emitting device and fastening means (sealing member 805) fastening the first substrate to the second substrate wherein the first and second substrate are arranged parallel and spaced to one another, the first light emitting device is, with

Art Unit: 2889

the first light emitting surface facing the first substrate, provided on a side of the first substrate facing the second substrate providing the two-sided light emitting device with a first light emission side and the second light emitting device is, with the second light emitting surface facing the second substrate, provided on a side of the second substrate facing the first substrate providing the two-sided light emitting device with a second light emission side opposite the first, wherein the fastening means (sealing 805) comprises a perimeter seal providing, in co-operation with the first and second substrate, a closed housing for the first and second light emitting device, a getter (desiccant 806) for gettering oxygen and/or water arranged within the closed housing (paragraph 71).

Regarding claim 2, Kudo et al. disclose a two-sided light emitting device as claimed in claim 1 wherein at least the first or second light emitting device is an organic, low molecular or polymer, electroluminescent device (paragraphs 69-70 & 75).

Regarding claims 4 & 12, Kudo et al. disclose that the perimeter seal (805) is formed of organic resilient adhesive material (made of resin; paragraph 71).

Regarding claim 5, Kudo et al. disclose a two-sided light emitting device as claimed in claim 1, wherein the first and/or second substrate comprises a sheet of glass or, in combination with one or more barrier layers impervious to water and/or oxygen, synthetic resin (paragraphs 69-70).

Regarding claim 6, Kudo et al. disclose a two-sided light emitting device as claimed in claim 1, wherein the first and/or second substrate is an integral part of the first and/or the second light emitting device respectively (paragraphs 69-70).

Art Unit: 2889

Regarding claim 7, Kudo et al. disclose a two-sided light emitting device as claimed in claim 1, wherein at least the first or the second light emitting device is a display device (see Abstract).

Claims 1-2, 5-7, 10-11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (US 2004/0119407).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Kim et al. discloses a two-sided light emitting device (Figs 6-8; paragraph 3) comprising a first light emitting device (122) having a first light emitting surface, a second light emitting device (112) having a second light emitting surface, a first substrate (121) on which said first light emitting device is formed, said first substrate being light-transmissive for light emitted by the first light emitting device, a second substrate (111) on which said second light emitting device(112) is formed, said second substrate being light-transmissive for light emitted by the second light emitting device (paragraphs 64-68) and fastening means (sealing member 130) fastening the first substrate to the second substrate wherein the first and second substrate are arranged parallel and spaced to one another (paragraph 58), the first light emitting device is, with the first light emitting surface facing the first substrate, provided on a side of the first substrate facing the second substrate providing the two-sided light emitting device with a first light emission side and the second light emitting device is, with the second light emitting

Art Unit: 2889

surface facing the second substrate, provided on a side of the second substrate facing the first substrate providing the two-sided light emitting device with a second light emission side opposite the first, wherein the fastening means (130) comprises a perimeter seal providing, in cooperation with the first and second substrate, a closed housing for the first and second light emitting device (paragraph 54), a getter (absorbent 140) for gettering oxygen and/or water arranged within the closed housing (paragraphs 55- 56).

Regarding claim 2, Kim et al. disclose a two-sided light emitting device as claimed in claim 1 wherein at least the first or second light emitting device is an organic, low molecular or polymer, electroluminescent device (paragraph 52).

Regarding claim 5, Kim et al. disclose a two-sided light emitting device as claimed in claim 1, wherein the first and/or second substrate comprises a sheet of glass or, in combination with one or more barrier layers impervious to water and/or oxygen, synthetic resin (paragraphs 64-68).

Regarding claim 6, Kim et al. disclose a two-sided light emitting device as claimed in claim 1, wherein the first and/or second substrate is an integral part of the first and/or the second light emitting device respectively (paragraphs 52-53).

Regarding claim 7, Kim et al. disclose a two-sided light emitting device as claimed in claim 1, wherein at least the first or the second light emitting device is a display device (paragraph 51-52).

Regarding claim 10, Kim et al. disclose a two-sided light emitting device as claimed in claim 1, wherein at least the first or the second light emitting device is a lighting device (lights are emitted from both side of the device).

Art Unit: 2889

Regarding claim 11, Kim et al. disclose the two-sided light emitting device of claim 1, wherein the first light emitting device comprises a first display and the second light emitting device comprises a second display, the first display having a resolution which is lower than the second display (first display has smaller size than the second display).

Regarding claim 13, Kim et al. disclose the two-sided light emitting device of claim 1, the first light emitting device and the second light emitting device are encapsulated by a barrier layer (118, 128 of Figs 7-8) impervious to air and/or moisture (paragraph 71).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo et al. as applied to claim 1.

Art Unit: 2889

Regarding claims 8-9, Kudo et al. does not explicitly mention that his two-sided display is used in mobile phone having one display is a standby display while the second display is a display on-demand, however this is considered as an intended use recitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Further since mobile phone needs two displays, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the two-sided display of Kim et al. in a mobile phone, since such structure reduces the size of the device (paragraph 74) suitable for mobile phone.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. as applied to claim 1.

Regarding claims 8-9, Kim et al. does not explicitly mention that his two-sided display is used in mobile phone having one display is a standby display while the second display is a display on-demand, however this is considered as an intended use recitation. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Further since mobile phone needs two displays, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the two-sided display

Art Unit: 2889

of Kim et al. in a mobile phone, since such structure reduces the size of the device (paragraph 74) suitable for mobile phone.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is 571-272-2452. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2889

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karabi Guharay/

Primary Examiner, Art Unit 2889